

STEVEN YOUNG

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF VIRGINIA

CHARLOTTESVILLE DIVISION

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ELIZABETH SINES, et al.,)

Plaintiffs,)Case No.

vs.)3:17-cv-00072-NKM

JASON KESSLER, et al.,)

Defendants.)

-----)

DEPOSITION OF STEVEN YOUNG

APPEARING REMOTELY FROM CHARLOTTESVILLE, VIRGINIA

JULY 15, 2020

JOB NO. 180929

REPORTED BY: Tina Alfaro, RPR, CRR, RMR

<div>Page 2</div> <div>1 STEVEN YOUNG</div> <div>2</div> <div>3</div> <div>4</div> <div>5 July 15, 2020</div> <div>6 9:30 a.m.</div> <div>7</div> <div>8</div> <div>9 Deposition of STEVEN YOUNG taken remotely</div> <div>10 before Tina M. Alfaro, a Notary Public within and</div> <div>11 for the State of Virginia.</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	<div>Page 3</div> <div>1 STEVEN YOUNG</div> <div>2 APPEARANCES:</div> <div>3 ON BEHALF OF THE PLAINTIFFS:</div> <div>4 COOLEY</div> <div>5 BY: SCOTT STEMETZKI, ESQ.</div> <div>6 CAITLIN MUNLEY, ESQ.</div> <div>7 NICK FRANCO, ESQ.</div> <div>8 1299 Pennsylvania Avenue, NW</div> <div>9 Washington, D.C. 20004</div> <div>10</div> <div>11 and</div> <div>12 KAPLAN HECKER & FINK</div> <div>13 BY: MICHAEL BLOCH, ESQ.</div> <div>14 350 Fifth Avenue</div> <div>15 New York, New York 10118</div> <div>16</div> <div>17</div> <div>18 ON BEHALF OF PATRICK CASEY:</div> <div>19 KOLENICH LAW OFFICE</div> <div>20 BY: JAMES KOLENICH, ESQ.</div> <div>21 9435 Waterstone Boulevard</div> <div>22 Cincinnati, Ohio 45249</div> <div>23</div> <div>24</div> <div>25</div>
<div>Page 4</div> <div>1 STEVEN YOUNG</div> <div>2 APPEARANCES: (cont'd)</div> <div>3 ON BEHALF OF JAMES ALEX FIELDS, JR.</div> <div>4 DUANE HAUCK DAVIS GRAVATT & CAMPBELL</div> <div>5 BY: DAVID CAMPBELL, ESQ.</div> <div>6 100 West Franklin Street</div> <div>7 Richmond, Virginia 23220</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	<div>Page 5</div> <div>1 STEVEN YOUNG</div> <div>2 I N D E X</div> <div>3 EXAMINATION</div> <div>4 WITNESS PAGE</div> <div>5 STEVEN YOUNG</div> <div>6 By Mr. Campbell 6</div> <div>7 By Mr. Kolenich 36</div> <div>8 EXHIBITS</div> <div>9 (none marked)</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>

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1 STEVEN YOUNG
2 (Witness sworn.)
3 WHEREUPON:
4 STEVE YOUNG,
5 called as a witness herein, having been first duly
6 sworn, was examined and testified as follows:
7 EXAMINATION
8 BY MR. CAMPBELL:
9 Q. Good morning, Detective Young. My name is
10 Dave Campbell, and I represent one of the
11 Defendants, James Alex Fields, in this federal
12 lawsuit and the one who requested your deposition
13 today, or one of the ones.
14 Have you given depositions before,
15 Detective?
16 A. I'll just go ahead and say no.
17 Q. Okay. Just general suggestions to help
18 essentially make it easier for the court reporter to
19 take down our conversation today. Even though I'm
20 sure you'll know where I'm going with many of my
21 questions, please try to let me finish the question
22 before you begin to answer, and then I'll do the
23 same and do my best to avoid beginning another
24 question before you're completely done responding to
25 the prior one.

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1 STEVEN YOUNG
2 deposition is taken in accordance with all the other
3 discovery depositions taken remotely in this case
4 and is valid as a Rule 30 deposition despite the
5 absence of the court reporter in the room with the
6 deponent?
7 MR. STEMETZKI: Yes, Plaintiffs will
8 stipulate.
9 MR. CAMPBELL: Great. Thank you.
10 BY MR. CAMPBELL:
11 Q. Hey, Detective, to start, what is your
12 current job title?
13 A. Currently I am a corporal of patrol. So
14 yeah, I'm one of the supervisors on daylight patrol.
15 Q. Okay. And was that the same -- did you
16 hold the same title back on August 12th of 2017?
17 A. No. I was a detective in our major case
18 unit.
19 Q. And is -- is corporal a higher rank than
20 detective, I would assume?
21 A. Well, I mean, you could be a lieutenant and
22 a detective, but yeah, then I was -- it was prior to
23 a promotion. Actually after August 12th, probably
24 about a year after that I got promoted to a corporal
25 in investigations where I oversaw our major case

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1 STEVEN YOUNG
2 If you don't understand a question,
3 especially if you're having any difficulty hearing
4 me at any point or anything like that, please let me
5 know. I want to make sure you understand the
6 questions as much as possible before answering and
7 make sure there's no ambiguity.
8 If you need a break at any time, just let
9 us know. We'll be happy to take a break. I would
10 just ask that you answer whatever the pending
11 question is at the time.
12 Also, if you say uh-huh or uh-uh I may say
13 was that a yes or was that a no. I'm not trying to
14 be rude. I just want to make sure --
15 A. I'm fine.
16 Q. -- we're clear --
17 A. Uh-huh.
18 Q. Is that okay?
19 THE REPORTER: Let me just say one thing
20 right off the bat. If you talk over each other,
21 Detective Young, I will hear none of it. So try to
22 refrain. Thank you.
23 THE WITNESS: All right.
24 MR. CAMPBELL: Just housekeeping at the
25 beginning. Will all counsel so stipulate that this

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1 STEVEN YOUNG
2 unit as well as the SVU unit, and recently I got
3 switched over to patrol to become a road supervisor.
4 Q. Okay. Can you just generally give me a
5 little background about your training and
6 experience, when you first began law enforcement up
7 to August 12th?
8 A. I joined the Charlottesville Police
9 Department, that's the only department I've worked
10 for, in January of 2011. I spent three years on
11 night patrol and then a year on daylight patrol, and
12 then I guess up until August 12th I was a detective
13 for about two and a half years. During that time I
14 worked mostly in property units in our burglary
15 unit, and then I'll say about March of 2017 I got
16 switched over to homicide and major case unit. I've
17 been to several trainings regarding investigations,
18 a lot of 4th Amendment training, drug interdiction
19 training, all sorts of different kind of training.
20 Q. Okay. Do you have any military experience
21 prior to joining Charlottesville Police Department?
22 A. Four years in the Marines and then four in
23 the Army.
24 Q. All right. So is the proper way to refer
25 to you now Corporal Young, Detective Young, or

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1 STEVEN YOUNG
2 something else?
3 A. Corporal Young's fine. You can call me
4 Steve if you want.
5 Q. All right. Corporal Young, have you seen
6 the Heaphy report? Do you know what I mean when I
7 say the Heaphy report?
8 A. I've not read through it. I know of it.
9 Everything I've heard about it is all hearsay. I've
10 never actually thoroughly read through the report.
11 Q. Understood. Yeah, it's pretty long and a
12 bit dry probably if --
13 A. Right.
14 Q. -- you're not an attorney in the case.
15 So I want to ask you about prior to August
16 the 12th, and obviously you're only here as an
17 individual witness. You're not here representing
18 the Charlottesville Police Department or anything
19 like that. So I'm only asking about your personal
20 experience what you did prior to August 12th and
21 that kind of thing. Okay?
22 A. Okay.
23 Q. I'm not asking to you speak for the unit or
24 any of the other, you know, detectives or guys, but
25 there's a note in the Heaphy report that says --

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1 STEVEN YOUNG
2 background on them, as well as one of the local
3 church groups that I guess you could classify as the
4 counterprotestor groups that planned on coming and,
5 you know, peacefully protest the protestors.
6 Q. Okay.
7 A. To be honest, I can't remember who I
8 reached out to.
9 Q. Do you remember anything more specific
10 about the local church group, counterprotestor group
11 you were just describing, you know, the name or any
12 particular --
13 A. So they were headquartered here in
14 Charlottesville on South 1st Street. It's the
15 Mt. Zion First African Baptist Church.
16 Now, the group I don't think was affiliated
17 with the church, but that's where they kind of held
18 their meetings and from what I was told and from
19 what I found out they essentially gave classes on
20 how to be a peaceful protestor to citizens that
21 wanted to partake without, you know, physically
22 being aggressive.
23 I did reach out to the vice mayor at the
24 time, Wes Bellamy, to try to get more information
25 because I know he was affiliated with that group,

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1 STEVEN YOUNG
2 it's called open source review, and I'll just read a
3 little paragraph to you and then ask if you had any
4 experience similar to what is described in the
5 report.
6 It says "Each detective in the
7 investigations unit was assigned people and groups
8 to research. Those people and groups included
9 anyone that CPD believed might attend either event
10 whether in support or in opposition to the event
11 speakers."
12 Were you asked in your role as detective or
13 did you investigate any people or group of people
14 prior to August the 12th?
15 A. Yes.
16 Q. And what people or group of people were you
17 asked to investigate?
18 A. Well, in that aspect I kind of, for lack of
19 a better term, got lucky. I didn't have to -- I
20 think I had another case going on. So they kind of
21 gave me a break and I didn't have to really delve
22 into the major groups. One of them was like a Care
23 Bear group, which was completely irrelevant. It's a
24 group that was going to drop off tons of stuffed
25 Care Bears throughout the park. So I did a little

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1 STEVEN YOUNG
2 but he never responded back.
3 Q. Okay.
4 A. And then again -- go ahead.
5 Q. I'm sorry. You go ahead.
6 A. In the end of that investigation nothing
7 really much came of it other than the fact that
8 there was a small contingency that was going to show
9 up and essentially voice their opinion without
10 resorting to any sort of physical violence.
11 Q. Did the group have a name or the way they
12 referred even if it only was internal in the way
13 they referenced themselves?
14 A. I think it was something to the effect of
15 Charlottesville Unity. I think that's what it was.
16 Q. Does the name Seth Wispelwey ring a bell in
17 regard to that group or any other investigation
18 you've done related --
19 A. Say it again. What was that name?
20 Q. Seth Wispelwey.
21 A. No, sir. I think I would remember that
22 name, but no, that doesn't ring a bell.
23 Q. Okay. All right. So the Charlottesville
24 Unity was essentially -- and the Care Bear group or
25 the counterprotestor groups you looked into prior to

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1 STEVEN YOUNG
2 August 12th; is that correct?
3 A. Correct.
4 Q. All right. And did you have any indication
5 that anyone in Charlottesville Unity identified or
6 associated as ANTIFA?
7 A. No.
8 Q. Do you know from your own, you know,
9 personal conversations with other detectives or
10 being present in a briefing room if there were any
11 other detectives that were assigned to look into or
12 had reports of ANTIFA counterprotesting on
13 August 12th?
14 A. Yes. Yeah.
15 Q. Okay. Do you know which detective or
16 detectives was or were assigned to look into ANTIFA
17 counterprotesting?
18 A. I believe it was Detective Hickey.
19 Q. Is that H-I-C-K-E-Y?
20 A. Yes, sir. And, unfortunately, I can't -- I
21 can't remember 100 percent.
22 Q. Is Detective Hickey a man or a woman?
23 A. A man.
24 Q. Do you know his first name?
25 A. Declan.

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2 rally in July of 2017 as well as August 12th I was
3 actually more on the front lines, so to speak,
4 whereas the SWAT team was in the rear. But to
5 answer your question, I didn't really partake in the
6 planning as far as the tactics. It's more
7 logistics, making sure there's enough -- you know,
8 the equipment was set up, we did our rounds, we had
9 water, and all that kind of stuff
10 Q. In your role in logistics did you all
11 discuss kind of where different teams would set up
12 and how many officers to allocate to different parts
13 of the city?
14 A. So essentially the SWAT team's role was to
15 pretty much stay out of the way. I think they were
16 headquartered here at the police department in the
17 garage and essentially just put on standby. That
18 was the plan, and I'm pretty sure that's what they
19 did throughout the day.
20 Q. I understand. Regarding your earlier
21 testimony, had you been on SWAT you would have been
22 in HQ out of the way, but because you weren't you
23 were on the front line; is that correct?
24 A. Yes.
25 Q. Did you have any involvement either

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2 Q. Do you know how to spell that?
3 A. D-E-C-L-A-N. He's Irish.
4 Q. Do you know if Detective Hickey is still
5 with the Charlottesville Police Department?
6 A. He is.
7 Q. All right. So anything else you were asked
8 to do in advance of August 12th other than
9 investigate the two groups we've talked about?
10 A. Not as far as the event. I'm also on the
11 SWAT team. So a lot of my role was kind of dealing
12 with the tactical side.
13 Q. Okay. How about in your role as a SWAT
14 team officer, what preparations or what sort of
15 instructions were you given in advance of
16 August 12th?
17 A. So most of my role with SWAT was more
18 logistically at the time. So I had back surgery in
19 March of 2017, and when I came back to full duty I
20 was allowed to be -- I was considered full duty
21 except for SWAT. So until September of 2017 I was
22 not allowed to partake in any sort of SWAT activity.
23 However, I could help out with logistics and
24 training and stuff like that.
25 So ironically, you know, during the KKK

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1 STEVEN YOUNG
2 logistically or physically going in person to the --
3 what I'll refer to as the torch March on August 11,
4 2017?
5 A. No. I was at home actually watching it on
6 TV.
7 Q. And then August 12th what time did you
8 report for duty or go to work?
9 A. About 5:00 a.m.
10 Q. And where were you assigned, where were you
11 located?
12 A. Investigations Bureau, which is upstairs in
13 the Charlottesville Police Department.
14 Q. Did you personally witness any clashes
15 between protestors and counterprotestors the morning
16 of August 12th?
17 A. No physical clashes. One of my duties that
18 morning was to kind of be a roving intel officer.
19 So a few of us got into a van and we drove around,
20 it was an unmarked van, just kind of getting intel
21 to see what was going on. So just kind of
22 getting -- we saw people arguing definitely, but no
23 physical clashes. That wasn't until later.
24 Q. Were you -- where were you when the
25 unlawful assembly was declared?

<p style="text-align: right;">Page 18</p> <p>1 STEVEN YOUNG</p> <p>2 A. I was in and around the downtown area. At</p> <p>3 that point once it was declared unlawful assembly we</p> <p>4 kind of gave up the intel thing. Throughout the</p> <p>5 crowd there was a lot of undercover officers and we</p> <p>6 started to lose communication with them, and, for</p> <p>7 lack of a better term, all hell broke loose and we</p> <p>8 started to get all the undercover officers out. So</p> <p>9 we would call them, drive the van in real quick,</p> <p>10 they'd identify themselves, and we'd just throw them</p> <p>11 in the van and take them out. So that's what we did</p> <p>12 for a couple hours during the unlawful assembly.</p> <p>13 Q. Prior to the -- prior to August 12th were</p> <p>14 you involved or did you hear any discussions</p> <p>15 regarding the plan for street closures?</p> <p>16 A. I wasn't involved in it in any way. That</p> <p>17 was a little above my pay grade. I did hear about</p> <p>18 it, but essentially the way I work is I kind of do</p> <p>19 my thing and I really don't delve into something I'm</p> <p>20 not assigned to. I mean, I heard somewhat of the</p> <p>21 pattern of street closures, but I can't testify to</p> <p>22 much of it other than I knew that some streets were</p> <p>23 going to be closed.</p> <p>24 Q. And were you briefed in the days directly</p> <p>25 leading up to August 12th on any sort of question as</p>	<p style="text-align: right;">Page 19</p> <p>1 STEVEN YOUNG</p> <p>2 to whether the rally would be held at Emancipation</p> <p>3 Park or at McIntyre Park?</p> <p>4 A. From what I was told and from what I</p> <p>5 learned, it was all going to take place in</p> <p>6 Emancipation Park. We knew that McIntyre Park was</p> <p>7 probably going to be the parking, staging area for</p> <p>8 the protestors. So that's all I knew.</p> <p>9 Q. Was that because of any briefing or</p> <p>10 communications you directly were aware of between</p> <p>11 Charlottesville PD and any of the protestors? And</p> <p>12 by that I'm asking your knowledge or your belief</p> <p>13 that McIntyre Park would be the staging area for the</p> <p>14 protestors.</p> <p>15 A. I can't attest to you how I learned that</p> <p>16 information or how Charlottesville Police learned</p> <p>17 that information. We had several briefings prior to</p> <p>18 that day and I just -- I don't know how I ended up</p> <p>19 knowing that. That's what they briefed us on.</p> <p>20 Q. Were you ever told like on August 11th that</p> <p>21 the rally was not going to be held at Emancipation</p> <p>22 Park and was going to be instead moved to McIntyre</p> <p>23 Park by order of the city council?</p> <p>24 A. That sounds familiar. Again, this is a</p> <p>25 long time ago. So I'm trying to remember, but I</p>
<p style="text-align: right;">Page 20</p> <p>1 STEVEN YOUNG</p> <p>2 knew that there was supposed to be a permit in the</p> <p>3 park, which got denied apparently, and they were</p> <p>4 going to hold it there anyways. So we were just</p> <p>5 assuming it was going to be held at Emancipation</p> <p>6 Park, but we also had a contingency of officers that</p> <p>7 would be patrolling McIntyre Park as well.</p> <p>8 Q. Did they -- were you briefed at all on any</p> <p>9 discussions over like last minute legal challenges?</p> <p>10 Were you told anything about any of that as far as</p> <p>11 where the event was going to be held?</p> <p>12 A. No.</p> <p>13 Q. Okay. All right.</p> <p>14 So I wanted to ask you questions about the</p> <p>15 arrest of James Fields. How were you first notified</p> <p>16 of the car incident?</p> <p>17 A. So I'll lead you up to that happening.</p> <p>18 Please cut me off if I'm going on or if I'm jumping</p> <p>19 ahead into your questions.</p> <p>20 Q. No. Please.</p> <p>21 A. The sergeant I was riding with in the van,</p> <p>22 Sergeant Newberry, one of his roles that day was to</p> <p>23 be in contact with Jaysun Kessler's security group,</p> <p>24 and just prior to --</p> <p>25 Q. I'm sorry. What was his name again?</p>	<p style="text-align: right;">Page 21</p> <p>1 STEVEN YOUNG</p> <p>2 A. Sergeant Tony Newberry.</p> <p>3 Q. Thank you. Sorry to interrupt.</p> <p>4 A. That's all right.</p> <p>5 Q. Go ahead.</p> <p>6 A. So by, say, you know, 12:30, 1:00</p> <p>7 Emancipation Park had dispersed. We received a call</p> <p>8 from a man named Jack -- I'm not sure who that is or</p> <p>9 what his real name is, but we just knew him as</p> <p>10 Jack -- who was the head of Kessler's security and</p> <p>11 he was requesting that we escort him back into the</p> <p>12 park to retrieve all of their audio equipment, like</p> <p>13 their microphones and all that kind of stuff.</p> <p>14 So we went to Emancipation Park, it was</p> <p>15 empty for the most part, and we looked around for --</p> <p>16 we told him you stay put, we'll get your equipment</p> <p>17 and we'll bring it back, that way you're not going</p> <p>18 to rile everyone up again. We got to the park and</p> <p>19 there was no audio equipment to be found. So we</p> <p>20 were just kind of looking around in the park and I</p> <p>21 heard on the radio that something happened on the</p> <p>22 downtown mall.</p> <p>23 One of the captains that was in the park</p> <p>24 suggested that we go ahead and go over there to</p> <p>25 Market Street because there was a hit and run and</p>

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2 someone was injured, and then we heard on the radio
3 that there was a vehicle pursuit with the suspect
4 vehicle. You know, hearing this on the radio we got
5 behind one of the officers that was in pursuit and
6 by the time we got to the intersection of Monticello
7 Road and Blenheim Avenue we parked and we realized
8 that the suspect was already taken out of the
9 vehicle. I was one of the first ones to get to
10 Mr. Fields and I ended up arresting him.
11 I don't know how much you want me to go
12 into the arrest, but...
13 Q. If I could, I would just back up a little
14 bit here and kind of break that down a little bit.
15 When you heard of a vehicle pursuit, do you
16 have any idea of a time frame or reference between
17 the report of the hit and run to the end of the
18 vehicle pursuit? Do you know how long that took?
19 A. So from the time I first heard of it when
20 the captain said, hey, something just happened on
21 the mall, you guys may want to go take a look, from
22 the time I heard that until the time I heard there
23 was a vehicle pursuit was less than a minute. We
24 jumped in the van and we went lights and sirens, and
25 from the park to that intersection took maybe about

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1 STEVEN YOUNG
2 ground; is that correct?
3 A. Correct.
4 Q. Okay. Did you speak with Mr. Fields at the
5 scene?
6 A. Yes.
7 Q. Can you tell me the nature of that
8 conversation or anything that stands out or what you
9 recall about the conversation with Mr. Fields at the
10 scene of the arrest?
11 A. Well, I'll preface this by saying, you
12 know, we knew nothing about what was happening on
13 the mall. From what I heard and from what I
14 assumed, you know, he hit someone and then took off
15 because he was scared, that was kind of going
16 through my head, which happens a lot in downtown
17 Charlottesville. You'd be surprised.
18 My first dealings with him was trying to,
19 first of all, get him properly detained. The way he
20 was set up he wasn't patted down and his handcuffs
21 were not in the back. So that was pretty much my
22 first thing was to pat him down and make sure there
23 were no weapons and then switch his handcuffs to the
24 back.
25 And throughout this process he did make

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2 45 seconds and by that time he was already detained.
3 Q. Okay. Do you have any idea --
4 A. Maybe not 45 seconds, maybe like a minute.
5 I'm sorry.
6 Q. Okay. So it wasn't like a long vehicle
7 pursuit --
8 A. No.
9 Q. -- going all around town or anything like
10 that?
11 A. No.
12 Q. It was a couple minutes.
13 THE REPORTER: Guys.
14 THE WITNESS: Yes, ma'am.
15 THE REPORTER: One at a time.
16 THE WITNESS: Oh, sorry.
17 MR. CAMPBELL: That's my fault.
18 BY MR. CAMPBELL:
19 Q. Okay. So when you arrive at the scene --
20 well, let me say first I've seen some of your body
21 cam video. Have you watched your own body cam video
22 of that arrest and incident?
23 A. Many times, yes.
24 Q. Okay. When you first interacted with the
25 suspect he's already out of the vehicle on the

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2 spontaneous utterances of saying he was sorry. I
3 didn't really go into questions because he wasn't
4 Mirandized. He also did mention that he has a
5 history of mental health issues. I'm not quoting
6 him verbatim, but he did say something to the effect
7 of, you know, I have mental issues. He did repeat
8 that he's sorry. We did ask if he needed rescue
9 squad, and he did say no, they should be going to
10 the downtown area.
11 But, again, I did not know -- I hadn't seen
12 the vehicle at that point. So, you know, kind of in
13 a sympathetic way just trying to get him to calm
14 down and telling him it will be okay, let us figure
15 out what's going on before we asked any questions.
16 In my experience it's better for people to be calm
17 before you start asking questions. And then once
18 I -- once he was sat up and detained properly, you
19 know, I looked at the vehicle, started talking to
20 other officers and detectives on scene and started
21 to piece together what happened.
22 Q. You said you patted Fields down. Did you
23 find any weapons on him?
24 A. No.
25 Q. Did you check the vehicle to see if there

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1 STEVEN YOUNG
2 were any weapons in the vehicle?
3 A. Yeah. We did a pat-down of the vehicle.
4 No weapons found.
5 Q. Did you have any further conversations at
6 the scene -- you're the officer that arrested
7 Fields, correct?
8 A. Correct.
9 Q. And did you have any further conversations
10 substantively about what happened with Fields at the
11 scene of the arrest?
12 A. No. The way I do things and it's pretty
13 par for the course around -- in our unit is we'd
14 rather speak to them in our interview room. That
15 way we can properly Mirandize them and -- that's
16 just kind of -- it's more comfortable for us and for
17 them to put them in an interview room. So I didn't
18 ask any questions there. And I -- I tried to hint
19 to him to, you know, not to say anything, just
20 relax, and then when we get back we'll go ahead and
21 talk to you.
22 So the conversation on scene was limited,
23 but from what I got the main points were he said he
24 was sorry, he said that he was scared, that he
25 thought he was being attacked and that earlier

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1 STEVEN YOUNG
2 Q. And what was his response?
3 A. So this is a video I analyzed for quite a
4 bit. My partner at the time was the one that
5 interviewed him while I was working on search
6 warrants and some other things, and I was watching
7 the interview live on our TV, our camera system.
8 Initially when I was watching it it seemed like he
9 started to cry after he was told that someone had
10 died, and then again analyzing the video for court
11 prep it doesn't appear that he cries. He
12 hyperventilates for about 30 seconds and then he
13 calms himself down. I mean, he was, you know,
14 physically upset. Initially I would say he began
15 sobbing, but upon further review of the video it's
16 more of a hyperventilation and then slowly starting
17 to calm himself down. Then he eventually fell
18 asleep.
19 Q. What's the name of your partner that
20 interviewed Fields? Is that Newberry?
21 A. No. At that time it was Detective Braden
22 Kirby.
23 THE REPORTER: Can you spell his first
24 name.
25 THE WITNESS: B-R-A-D-E-N.

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1 STEVEN YOUNG
2 throughout the day in the park people had thrown
3 something at him. I believe that's what he said,
4 but other than that, there's nothing much that came
5 from that conversation.
6 Q. Okay. When you say people had thrown
7 something at him, was there any discoloration or any
8 apparent substance on his clothing or anything?
9 A. I can honestly say I didn't notice that at
10 the scene, but throughout my investigation and
11 looking at body camera footage and speaking to other
12 officers there was a discoloration on the shirt. It
13 was like a yellowish hue on his shirt.
14 Q. Was that urine, do you know one way or
15 another?
16 A. We believe it was urine. There's been some
17 question of whether it was his or someone else's.
18 Q. All right. And then tell me what you can
19 about your conversation with Fields in the interview
20 room. Was there a point in time -- to maybe give
21 you a little direction or suggestion of where I
22 would like to discuss another conversation, was
23 there a point in time where Fields was told that
24 someone had died?
25 A. Yes.

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1 STEVEN YOUNG
2 THE REPORTER: Thank you.
3 BY MR. CAMPBELL:
4 Q. Okay. And following the arrest of Fields I
5 think you said you exercised some search warrants;
6 is that correct?
7 A. Correct.
8 Q. Did you seize his phone?
9 A. Yes.
10 Q. And did you seize anything else that was
11 present in the interior of the vehicle following the
12 arrest?
13 A. No. We seized the vehicle, but there was
14 not much in the vehicle at all other than his phone
15 and a couple of personal belongings that were not
16 really relevant.
17 Q. Did you conduct any sort of deep dive or
18 search of his phone?
19 A. So we seized the phone, and at the time
20 there was a parallel investigation going on and the
21 FBI took possession of the phone and they conducted
22 a search warrant as well and they had a down- -- if
23 you conduct a search warrant on a cell phone you get
24 essentially a spreadsheet and, you know, this huge
25 document of what's on that phone. The FBI did that

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1 STEVEN YOUNG

2 and put it on a disk. Because of the parallel

3 investigation I had to write a search warrant to

4 obtain that disk, which was actually in our police

5 department. It's kind of confusing. So they did

6 the indepth download of his phone, whereas I did the

7 search warrant to get that document.

8 Q. Okay.

9 And have you reviewed the contents of the

10 report on the phone?

11 A. Yes.

12 Q. Did you -- at any point in your

13 investigation were you looking for communications

14 Fields may have had with any other event organizer

15 or rally attendee?

16 A. Yes.

17 Q. Did you find any such communications?

18 A. No.

19 Q. So it also looks like the -- I mean, from,

20 you know, attending some and watching some of the

21 criminal trial there was like GPS tracking

22 information; is that accurate?

23 A. Correct.

24 Q. And did you review that as well, Detective?

25 A. Yes.

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1 STEVEN YOUNG

2 A. Correct. Again, stop me if I'm going

3 ahead, but he did say at the magistrate's office

4 that he didn't notice that someone was behind him

5 when they were trying to pull him over.

6 Q. Okay.

7 I wanted to ask you a few questions about

8 your understanding of what the -- of whether the

9 street where the incident occurred was supposed to

10 be closed at the time of the incident. If you know,

11 do you know whether the street where the incident

12 occurred was supposed to be closed at the

13 intersection --

14 A. Yes.

15 Q. Okay. Do you know how the street was

16 supposed to be closed? For example, was there

17 supposed to be a marked police car in the area

18 blocking the street?

19 A. Yes. Again, this is all to the best of my

20 knowledge. I knew that the intersection of

21 4th Street and Market Street was supposed to be

22 closed from either way. I don't know if you guys

23 are familiar with Charlottesville, but you weren't

24 able to go west of 4th Street and you were not able

25 to go south on 4th Street from that intersection and

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1 STEVEN YOUNG

2 Q. Do you have a concept of how far Fields'

3 car traveled from where the incident took place to

4 where the arrest took place?

5 A. We actually did map it out. It was about a

6 mile, if that.

7 Q. All right. From the site of the incident

8 the scene was about a mile, maybe a little less; is

9 that correct?

10 A. Correct.

11 Q. And then the -- what you described earlier

12 as a police chase was a couple minutes; is that

13 correct?

14 A. That's correct.

15 Q. Do you have any idea either from a document

16 you reviewed or a communication you had with

17 another -- maybe the car ahead of you what was like

18 the top speed that he reached, that Fields' car

19 reached during that police chase?

20 A. It was slow. I didn't know at the time,

21 but reviewing video from the helicopter, I mean, it

22 was a slow speed chase. I wouldn't say he was going

23 more than 30 miles an hour.

24 Q. So would it be fair to characterize it more

25 like he just wouldn't pull over?

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1 STEVEN YOUNG

2 that -- that was being manned by one officer and one

3 officer's vehicle prior to the attack.

4 Now, from what I learned and -- again, this

5 is the best of my knowledge -- that that officer was

6 overwhelmed at that intersection when people started

7 to march and became extremely violent. A lot of

8 scuffling took place. I believe she requested to be

9 relieved and that grant was approved. I think they

10 put a physical barrier, so it's like one of those

11 orange things, big orange walls right where her

12 vehicle was blocking the intersection of 4th and

13 Market, but you could easily get around it.

14 Q. And, Detective, you testified at the

15 criminal trial, is that correct, sir?

16 A. Yes.

17 MR. CAMPBELL: If I could, I don't think I

18 have a lot more -- many more question for you, but I

19 do want to look over my notes. If anyone else wants

20 to ask any questions of the detective, I would

21 appreciate passing the witness so we don't have to

22 waste ten minutes or we could take a 10- or

23 15-minute break.

24 THE WITNESS: I'm fine either way.

25 MR. CAMPBELL: Do you guys want to take a

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1 STEVEN YOUNG
2 10-minute break?
3 MR. STEMETZKI: Yeah. I think a 10-minute
4 break would be good.
5 (A short break was had.)
6 BY MR. CAMPBELL:
7 Q. Corporal Young, Dave Campbell again.
8 On August 12 as you drove around downtown
9 in the unmarked van, did you view violence coming
10 from both sides?
11 A. I actually never --
12 MR. STEMETZKI: Objection, it's a leading
13 question.
14 MR. CAMPBELL: You can answer.
15 A. I was actually never -- I rarely use a map,
16 but we were mostly on the outskirts of the downtown
17 area. So during the actual clash that's become
18 popular we did not see that, we were not around that
19 area. We heard it on the radio, but I can't testify
20 to what happened on that other than open source
21 media.
22 Q. Okay. And earlier we were discussing
23 Mr. Fields, the hit and run incident. You didn't
24 witness that personally; is that correct?
25 A. Correct.

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2 crime of a conspiratorial nature; is that correct?
3 A. That's correct.
4 MR. CAMPBELL: All right. Thank you very
5 much, Corporal. I appreciate your time today. I
6 don't have any more questions for you. Unless
7 someone else asks you a question that prompts me to
8 think of something else, I don't have any more
9 questions.
10 EXAMINATION
11 BY MR. KOLENICH:
12 Q. Officer, this is Jim Kolenich. I represent
13 some of the other Defendants in the Sines versus
14 Kessler case. Good morning, sir.
15 A. Good morning.
16 Q. Referring to the questions just asked
17 regarding your examination of James Fields' phone,
18 is that the only electronic device that you
19 recovered from him?
20 A. Correct. That's the only one I recovered.
21 Q. To your knowledge, did the investigation
22 look at any other of his devices?
23 A. Not in Charlottesville.
24 Q. Do you know of any other authority that may
25 have had his other electronic devices?

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1 STEVEN YOUNG
2 Q. And are you aware of the name of any law
3 enforcement officer who actually witnessed the hit
4 and run incident?
5 A. I tried to find someone, but no law
6 enforcement officer that I know of actually
7 witnessed the incident.
8 Q. Okay.
9 And you testified earlier, I believe, that
10 you reviewed the phone downloaded information or
11 report looking for communications between Mr. Fields
12 and other rally attendees or organizers; is that
13 accurate?
14 A. Yes.
15 Q. Is it fair to say that if you found
16 evidence of such communication other people could
17 have been charged in association with Fields' hit
18 and run incident?
19 A. Potentially, yes.
20 Q. And no such criminal charges were ever
21 filed against any other rally attendee or organizer
22 in association with Mr. Fields' hit and run
23 incident; is that correct?
24 A. Correct.
25 Q. And Mr. Fields was never charged with any

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2 A. Yes. The FBI I think headquartered out of
3 Louisville, Kentucky conducted a search of his
4 residence and seized laptops.
5 Q. All right. And to your knowledge, did they
6 recover any information indicating that he had
7 conspired with any persons regarding the murder of
8 Heather Heyer?
9 A. No.
10 MR. KOLENICH: Okay. Thank you. No
11 further questions.
12 MR. STEMETZKI: Do any other Defendants
13 have questions? I'll take that as a no.
14 I just need five minutes to organize my
15 thoughts and I'll have a couple follow-up questions.
16 (A short break was had.)
17 MR. STEMETZKI: Mr. Young -- Corporal
18 Young, I actually have no questions for you this
19 afternoon. So I think that should be the end of the
20 deposition. So thank you for your time today and
21 have a good rest of your week.
22 MR. CAMPBELL: Sorry, this is Dave
23 Campbell. I just wanted to advise you since we're
24 not videoing this you have the right to read this
25 transcript. Not to change your answers, but just to

<p style="text-align: right;">Page 38</p> <p>1 STEVEN YOUNG</p> <p>2 make sure you believe the court reporter took down</p> <p>3 your testimony accurately. You can also waive that</p> <p>4 right. Most people, particularly law enforcement</p> <p>5 choose to waive that right, but I'm not your</p> <p>6 counsel. It's your decision. You just need to</p> <p>7 indicate to the court reporter whether you'd like to</p> <p>8 read the transcript or whether you waive that right.</p> <p>9 THE WITNESS: I'll waive.</p> <p>10 (Whereupon, at 10:29 a.m. the</p> <p>11 taking of the instant deposition</p> <p>12 ceased.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 39</p> <p>1 STEVEN YOUNG</p> <p>2 ACKNOWLEDGEMENT OF DEPONENT</p> <p>3 I, STEVEN YOUNG, being first duly sworn, on</p> <p>4 oath say that I am the deponent in the aforesaid</p> <p>5 deposition taken on the 15th day of July, 2020; that</p> <p>6 I have read the foregoing transcript of my</p> <p>7 deposition consisting of pages 1 through 39,</p> <p>8 inclusive, and affix my signature to same.</p> <p>9</p> <p>10</p> <p>11 STEVEN YOUNG</p> <p>12</p> <p>13</p> <p>14 _____</p> <p>15 DATE</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 40</p> <p>1 STEVEN YOUNG</p> <p>2 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC</p> <p>3 I, TINA M. ALFARO, Registered Professional</p> <p>4 Reporter, Certified Realtime Reporter, and Notary</p> <p>5 Public, the officer before whom the foregoing</p> <p>6 deposition was taken, do hereby certify that the</p> <p>7 foregoing transcript is a true and correct record of</p> <p>8 the testimony given; that said testimony was taken</p> <p>9 by me stenographically and thereafter reduced to</p> <p>10 typewriting under my direction; that reading and</p> <p>11 signing was requested; and that I am neither counsel</p> <p>12 for, related to, nor employed by any of the parties</p> <p>13 to this case and have no interest, financial or</p> <p>14 otherwise, in its outcome.</p> <p>15 IN WITNESS WHEREOF, I have hereunto set my</p> <p>16 hand and affixed my notarial seal this 21st day of</p> <p>17 July, 2020.</p> <p>18</p> <p>19 My Commission expires October 31, 2020.</p> <p>20</p> <p>21 _____</p> <p>22 NOTARY PUBLIC IN AND FOR THE</p> <p>23 DISTRICT OF COLUMBIA</p> <p>24</p> <p>25</p>	

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